

UNITED STATES DISTRICT COURT

Western District of Pennsylvania

UNITED STATES OF AMERICA

v.

ROBERT FIKE

JUDGMENT IN A CRIMINAL CASE

Case Number: 19cr359

USM Number: 73147-018

Chris Rand Eyster

Defendant's Attorney

THE DEFENDANT:

 pleaded guilty to count(s) 5 and 6 pleaded nolo contendere to count(s) _____ which was accepted by the court. was found guilty on count(s) _____ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 USC 1470	TRANSFER OF OBSCENE MATERIALS TO MINORS	1/29/2019	5
18 USC 1470	TRANSFER OF OBSCENE MATERIALS TO MINORS	2/13/2019	6

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

 The defendant has been found not guilty on count(s) _____ Count(s) 1-4 and 7-9 is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

4/5/2022

Date of Imposition of Judgment

s/Arthur J. Schwab

Signature of Judge

Arthur J. Schwab, United States District Judge

Name and Title of Judge

4/5/2022

Date

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IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:
Time Served at Counts 5 and 6.

The court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ a.m. p.m. on _____

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on _____

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

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SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of:

3 YEARS SUPERVISED RELEASE AT EACH OF COUNTS 5 AND 6, TO BE SERVED CONCURRENTLY, WITH THE FIRST 360 DAYS OF HIS TERM OF SUPERVISED RELEASE AT A RESIDENTIAL RE-ENTRY CENTER, WITH THE FIRST 180 DAYS ON HOME INCARCERATION, AND THE NEXT 180 DAYS ON HOME DETENTION.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached sheet.

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STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature

Date

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ADDITIONAL SUPERVISED RELEASE TERMS

UPON THE DEFENDANT'S RELEASE FROM CUSTODY BY THE U.S. MARSHAL SERVICE, THE DEFENDANT SHALL REPORT IMMEDIATELY TO THE U.S. PROBATION OFFICE FOR THE WESTERN DISTRICT OF PENNSYLVANIA LOCATED ON THE SECOND FLOOR OF THE JOSPEH F. WEIS COURTHOUSE, 700 GRANT STREET, PITTSBURGH, PA 15219, TO BEGIN HIS SUPERVISED RELEASE TERM. WHILE ON SUPERVISED RELEASE, THE DEFENDANT IS AUTHORIZED TO TRAVEL BY GREYHOUND BUS TO THE MIDDLE DISTRICT OF FLORIDA, WHERE HE SHALL RESIDE IN A RESIDENTIAL REENTRY CENTER. IMMEDIATELY UPON THE DEFENDANT'S ARRIVAL IN TAMPA, FLORIDA, THE DEFENDANT SHALL CONTACT HIS ASSIGNED PROBATION OFFICER IN THE MIDDLE DISTRICT OF FLORIDA TO ARRANGE FOR TRANSPORT TO THE RESIDENTIAL RENENTY CENTER.

UPON RELEASE FROM CUSTODY, AFTER ARRIVAL IN THE MIDDLE DISTRICT OF FLORIDA, DEFENDANT SHALL SERVE THE FIRST 360 DAYS OF HIS TERM OF SUPERVISED RELEASE AT A RESIDENTIAL RE-ENTRY CENTER (RRC), AS DIRECTED BY THE PROBATION OFFICE. DEFENDANT SHALL BE PLACED ON LOCATION MONITORING UNTIL HE HAS ARRIVED AT THE DESIGNATED RRC. WHILE UNDER SUPERVISION, THE DEFENDANT SHALL OBSERVE THE RULES, REGULATIONS, AND DIRECTIVES OF THE DESIGNATED RRC. A SUBSISTENCE FEE WAIVER IS REQUESTED AS THE CONDITION IS FOR HOUSING PURPOSES ONLY.

THE FIRST 180 DAYS OF SUPERVISED RELEASE SHALL BE SERVED ON HOME INCARCERATION, WITHOUT LOCATION MONITORING, DURING WHICH TIME DEFENDANT WILL BE RESTRICTED TO THE RRC BUT FOR MEDICAL NECESSITIES AND COURT APPEARANCES OR OTHER ACTIVITIES SPECIFICALLY APPROVED BY THE COURT AND/OR THE UNITED STATES PROBATION OFFICE.

AFTER THE 180 DAYS OF HOME INCARCERATION, DEFENDANT SHALL BE PLACED ON HOME DETENTION FOR A PERIOD OF 180 DAYS, WITHOUT LOCATION MONITORING. DURING THE PERIOD OF HOME DETENTION, DEFENDANT SHALL REMAIN AT HIS PLACE OF RESIDENCE EXCEPT FOR EMPLOYMENT; EDUCATION; RELIGIOUS SERVICES; MEDICAL, SUBSTANCE ABUSE, MENTAL HEALTH, OR SEX OFFENDER TREATMENT; ATTORNEY VISITS; COURT APPEARANCES; COURT-ORDERED OBLIGATIONS; OR OTHER ACTIVITIES APPROVED IN ADVANCE BY THE COURT AND/OR THE UNITED STATES PROBATION OFFICE.

AFTER 360 DAYS, AND UPON SECURING AN APPROVED RESIDENCE, THE PROBATION OFFICE MAY RELEASE DEFENDANT FROM THE RESIDENTIAL REENTRY CENTER.

DEFENDANT SHALL HAVE NO CONTACT BY ANY MEANS, INCLUDING BUT NOT LIMITED TO DIRECT, INDIRECT, OR THIRD-PARTY CONTACT, WHETHER ELECTRONIC, IN-PERSON, MAIL, TELEPHONIC, OR THROUGH SOCIAL MEDIA POSTINGS, WITH THE VICTIM IN THIS CASE OR ANY FAMILY MEMBER OF THE VICTIM.

DEFENDANT SHALL REFRAIN FROM RESEARCHING THE VICTIM OR THE VICTIM'S FAMILY IN ANY MANNER (THIS INCLUDES AN AGREEMENT NOT TO REINSTATE ANY SUCH INFORMATION WHICH REINSTATE ANY SUCH INFORMATION WHICH MAY CURRENTLY BE STORED IN ANY CLOUD-BASED ACCOUNTS BY HIM OR THE EQUIVALENT THEREOF).

WITH THE EXCEPTION OF BRIEF, UNANTICIPATED, AND INCIDENTAL CONTACTS, TO INCLUDE DEFENDANT'S PLACE OF EMPLOYMENT AND/OR VOLUNTEER ACTIVITY, DEFENDANT SHALL NOT ASSOCIATE WITH CHILDREN UNDER THE AGE OF 18, EXCEPT FOR IMMEDIATE FAMILY MEMBERS, UNLESS IN THE PRESENCE OF AN ADULT WHO HAS BEEN APPROVED BY THE PROBATION OFFICER.

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ADDITIONAL STANDARD CONDITIONS OF SUPERVISION

DEFENDANT SHALL NOT FREQUENT AND/OR LOITER WITHIN 500 FEET OF PLACES WHERE CHILDREN CONGREGATE ON A REGULAR BASIS, SUCH AS, BUT NOT LIMITED TO, SCHOOLS; PLAYGROUNDS; CHILDREN'S TOY AND/OR CLOTHING STORES; VIDEO ARCADES; DAYCARE CENTERS; SWIMMING POOLS; ZOOS; AMUSEMENT PARKS, OR OTHER PLACES PRIMARILY USED OR THAT CAN REASONABLY BE EXPECTED TO BE USED BY CHILDREN UNDER THE AGE OF 18, WITHOUT PRIOR PERMISSION OF THE U.S. PROBATION OFFICE.

DEFENDANT SHALL PARTICIPATE IN A MENTAL HEALTH ASSESSMENT AND/OR TREATMENT PROGRAM APPROVED BY THE PROBATION OFFICER, UNTIL SUCH TIME AS DEFENDANT IS RELEASED FROM THE PROGRAM BY THE COURT. DEFENDANT SHALL ABIDE BY ALL PROGRAM RULES, REQUIREMENTS, AND CONDITIONS OF THE SEX OFFENDER TREATMENT PROGRAM, INCLUDING SUBMISSION TO POLYGRAPH TESTING AND SUCH TESTING SHALL CONTINUE THROUGHOUT THE TERM OF SUPERVISION IN ORDER TO MONITOR AND ENSURE COMPLIANCE WITH THE CONDITIONS OF SUPERVISION. DEFENDANT SHALL BE REQUIRED TO CONTRIBUTE TO THE COSTS OF SERVICES IN AN AMOUNT DETERMINED BY THE PROBATION OFFICE. THESE COSTS SHALL NOT EXCEED THE ACTUAL COST OF THE SERVICE. THE PROBATION OFFICE IS AUTHORIZED TO RELEASE DEFENDANT'S PRESENTENCE REPORT TO THE TREATMENT PROVIDER IF SO REQUESTED.

AS REQUIRED BY TITLE 18 UNITED STATES CODE SECTIONS 3563 (A) (8) AND 3583 (D), AND THE SEX OFFENDER REGISTRATION AND NOTIFICATION ACT (SORNA, TITLE 42 UNITED STATES CODE SECTION 16901 ET SEQ.), DEFENDANT SHALL REPORT THE ADDRESS WHERE HE WILL RESIDE AND ANY SUBSEQUENT CHANGE OF RESIDENCE TO THE PROBATION OFFICER RESPONSIBLE FOR DEFENDANT'S SUPERVISION, AND FURTHER SHALL REGISTER AS A CONVICTED SEX OFFENDER IN ANY STATE WHERE HE RESIDES, IS EMPLOYED, CARRIES ON A VOCATION, AND/OR IS A STUDENT.

DEFENDANT SHALL SUBMIT HIS PERSON, PROPERTY, HOUSE, RESIDENCE, VEHICLE, PAPERS, BUSINESS OR PLACE OF EMPLOYMENT, TO A SEARCH, CONDUCTED BY A UNITED STATES PROBATION OFFICER AT A REASONABLE TIME AND IN A REASONABLE MANNER, BASED UPON REASONABLE SUSPICION OF CONTRABAND OR EVIDENCE OF A VIOLATION OF A CONDITION OF SUPERVISION, FAILURE TO SUBMIT TO A SEARCH MAY BE GROUNDS FOR REVOCATION. DEFENDANT SHALL INFORM ANY OTHER RESIDENTS THAT THE PREMISES MAY BE SUBJECT TO SEARCHES PURSUANT TO THIS CONDITION.

DEFENDANT IS PERMITTED TO POSSESS OR USE A COMPUTER AND IS ALLOWED ACCESS TO THE INTERNET. HOWEVER, DEFENDANT IS NOT PERMITTED TO USE A COMPUTER, OR OTHER ELECTRONIC COMMUNICATION OR DATA STORAGE DEVICES, INCLUDING A CELL PHONE, TO ACCESS CHILD PORNOGRAPHY OR TO COMMUNICATE WITH ANY INDIVIDUAL OR GROUP FOR THE PURPOSE OF PROMOTING SEXUAL RELATIONS WITH CHILDREN. DEFENDANT SHALL CONSENT TO THE INSTALLATION OF ANY HARDWARE OR SOFTWARE TO MONITOR ANY COMPUTER, OR OTHER ELECTRONIC.

COMMUNICATION OR DATA STORAGE DEVICES USED BY DEFENDANT TO CONFIRM COMPLIANCE WITH THIS CONDITION. DEFENDANT SHALL PAY THE MONITORING COSTS AS DIRECTED BY THE PROBATION OR PRETRIAL SERVICES OFFICER. FURTHERMORE, DEFENDANT SHALL CONSENT TO PERIODIC UNANNOUNCED EXAMINATIONS BY THE PROBATION OR PRETRIAL SERVICES OFFICER OF ANY COMPUTERS, CELL PHONES, OR OTHER ELECTRONIC COMMUNICATION OR DATA STORAGE DEVICES THAT DEFENDANT HAS ACCESS TO, TO CONFIRM COMPLIANCE WITH THIS CONDITION. ADDITIONALLY, DEFENDANT SHALL CONSENT TO THE SEIZURE AND REMOVAL OF HARDWARE AND DATA STORAGE MEDIA FOR FURTHER ANALYSIS BY THE PROBATION OR PRETRIAL SERVICES OFFICER, BASED UPON REASONABLE SUSPICION OF A VIOLATION OF THE CONDITIONS IMPOSED IN THIS CASE, OR BASED UPON REASONABLE SUSPICION OF UNLAWFUL CONDUCT BY DEFENDANT. FAILURE TO SUBMIT TO THE MONITORING OR SEARCH OF COMPUTERS AND OTHER ELECTRONIC COMMUNICATION OR DATA STORAGE DEVICES USED BY DEFENDANT MAY BE GROUNDS FOR REVOCATION.

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SPECIAL CONDITIONS OF SUPERVISION

IF DEFENDANT'S EMPLOYMENT REQUIRES THE USE OF A COMPUTER, DEFENDANT MAY USE A COMPUTER IN CONNECTION WITH THE EMPLOYMENT APPROVED BY THE PROBATION OR PRETRIAL SERVICES OFFICER, PROVIDED DEFENDANT NOTIFIES HIS EMPLOYER OF THE NATURE OF THE CONVICTION OR CHARGE. THE PROBATION OR PRETRIAL SERVICES OFFICER SHALL CONFIRM COMPLIANCE WITH THIS NOTIFICATION REQUIREMENT.

DEFENDANT SHALL PROVIDE THE U.S. PROBATION OFFICE WITH ACCURATE INFORMATION ABOUT DEFENDANT'S ENTIRE COMPUTER SYSTEM (HARDWARE OR SOFTWARE) AND OTHER ELECTRONIC COMMUNICATION OR DATA STORAGE DEVICES OR MEDIA TO INCLUDE ALL PASSWORDS USED AND THE NAME OF THE INTERNET SERVICE PROVIDER(S). DEFENDANT ALSO SHALL ABIDE BY THE PROVISIONS OF THE COMPUTER RESTRICTIONS AND MONITORING PROGRAM APPROVED BY THE COURT.

DEFENDANT SHALL PARTICIPATE IN A PROGRAM OF TESTING, AND, IF NECESSARY, TREATMENT FOR SUBSTANCE ABUSE, SAID PROGRAM APPROVED BY THE PROBATION OFFICER, UNTIL SUCH TIME AS THE DEFENDANT IS RELEASED FROM THE PROGRAM BY THE PROBATION OFFICER AND/OR THE COURT. FURTHER, THE DEFENDANT SHALL BE REQUIRED TO CONTRIBUTE TO THE COSTS OF SERVICES FOR ANY SUCH TREATMENT IN AN AMOUNT DETERMINED BY THE PROBATION OFFICER BUT NOT TO EXCEED THE ACTUAL COST. THE DEFENDANT SHALL SUBMIT TO ONE DRUG URINALYSIS WITHIN 15 DAYS AFTER BEING PLACED ON SUPERVISION AND AT LEAST TWO PERIODIC TESTS THEREAFTER.

DEFENDANT SHALL NOT PURCHASE, POSSESS, AND/OR USE ANY SUBSTANCE OR DEVICE DESIGNED TO ALTER IN ANY WAY OR SUBSTITUTE DEFENDANT'S URINE SPECIMEN FOR DRUG TESTING. IN ADDITION, DEFENDANT SHALL NOT PURCHASE, POSSESS AND/OR USE ANY DEVICE(S) DESIGNED TO BE USED FOR THE SUBMISSION OF A THIRD PARTY URINE SPECIMEN.

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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

TOTALS	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
	\$ 200.00	\$	\$	\$	\$

The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
TOTALS	\$ 0.00	\$ 0.00	

Restitution amount ordered pursuant to plea agreement \$ _____

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

the interest requirement is waived for the fine restitution.

the interest requirement for the fine restitution is modified as follows:

*Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

A Lump sum payment of \$ 200.00 due immediately, balance due
 not later than _____, or
 in accordance with C, D, E, or F below; or

B Payment to begin immediately (may be combined with C, D, or F below); or

C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or

D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or

E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or

F Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Case Number
Defendant and Co-Defendant Names
(including defendant number)

Total Amount

Joint and Several
AmountCorresponding Payee,
if appropriate

The defendant shall pay the cost of prosecution.

The defendant shall pay the following court cost(s):

The defendant shall forfeit the defendant's interest in the following property to the United States:
See page 10

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

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ADDITIONAL FORFEITED PROPERTY

a CoolPad 331 0A "Illumina" Cell Phone, serial number 331YL194C0000479; a black/rose gold LG-CVI cell phone, and any and all physical documents and material seized from Robert Fike's Florida residence on September 12, 2019 that reference or relate to the minor victim and the minor victim's family.